

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRANS-SPEC TRUCK SERVICE, INC.
d/b/a TRUCK SERVICE,

Plaintiff

vs.

CATERPILLAR INC.

Defendant

CIVIL ACTION NO. 04-11836-RCL

ASSENTED TO MOTION TO AMEND SCHEDULING ORDER

The plaintiff Trans-Spec Truck Service, Inc. d/b/a Truck Service (“Trans-Spec”) respectfully submits this Assented To Motion to Amend Scheduling Order. As grounds, Trans-Spec states that the unavailability of the deposition transcripts of Caterpillar Inc.’s (“Caterpillar”) Rule 30(b)(6) designees to date and the extensive nature of the testing that must be conducted on several flywheel houses that are the subject of this lawsuit makes it virtually impossible for expert reports to be submitted within the present discovery period.

Accordingly, Trans-Spec moves the Court to amend its August 16, 2005 Scheduling Order as follows: (a) no change is necessary as to the deadline, which has expired, for non-expert discovery¹; (b) change the deadline for Trans-Spec’s expert reports from October 27, 2005 to December 27, 2005; (c) change the deadline for Caterpillar’s expert reports from November 23, 2005 to January 23, 2005; (d) change the date for completion of depositions of experts from

¹ Caterpillar has requested Trans-Spec to produce one of the Sterling trucks involved in this case for inspection and testing but such testing and inspection has not yet occurred. By assenting to this motion, Caterpillar does not waive its right to conduct such inspection and testing or to bring any motions or issue any subpoenas that may be necessary to enable it to accomplish the inspection and testing.

January 23, 2006 to March 23, 2006; (e) change the date for filing dispositive motions from February 27, 2006 to April 27, 2006.

Respectfully submitted,

TRANS-SPEC TRUCK SERVICE, INC.
By its attorneys,

DONOVAN HATEM, LLP

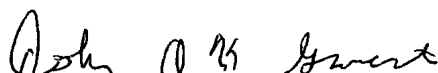



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Date: October 7, 2005
00950627

Assented to: CATERPILLAR INC.
By its attorneys,

CAMPBELL CAMPBELL EDWARDS
& CONROY, P.C.



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Date: October 7, 2005